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**FACSIMILE COVER SHEET**

DATE: September 5, 2006

TO: Examiner Diem K. CAO                    FAX NO.: 571-273-8300  
USPTO GPAU 2194

FROM: Adam D. Sheehan  
Reg. No. 42,146

**RE: PRE-APPEAL BRIEF REQUEST FOR REVIEW**

U.S. APP NO.: 09/904,989

FILING DATE: July 13, 2001

APPLICANT(S): Neil A. COOPER

ATTY DKT NO.: ATI.0100820 (1376-0100820)

TITLE: SYSTEM FOR LOADING DEVICE-SPECIFIC CODE AND  
METHOD THEREOF

NO. OF PAGES (INCL. COVER SHEET): 8

Attached please find:

- Pre-Appeal Brief Request for Review (1 pg)
- Notice of Appeal (1 pg) (in duplicate)
- Remarks in Support of Pre-Appeal Brief Request for Review (4 pgs)

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<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>		Docket Number (Optional)	
		ATI.0100820 (1376-0100820)	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>September 5, 2006</u>  Signature <u>Molly K. Harrison</u>	Application Number	Filed	
	09/904,989	July 13, 2001	
Typed or printed name <u>Molly K. Harrison</u>	First Named Inventor	Neil A. COOPER	
	Art Unit	Examiner	Diem K. CAO
2194			

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

- applicant/inventor.  
 assignee of record of the entire interest.  
 See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
 (Form PTO/SB/96)  
 attorney or agent of record.  
 Registration number 42,146  
 attorney or agent acting under 37 CFR 1.34.  
 Registration number if acting under 37 CFR 1.34 \_\_\_\_\_

Signature

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 Adam D. Sheehan  
 Typed or printed name

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 512-439-7100  
 Telephone number

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 September 5, 2006  
 Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.  
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PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Neil A. COOPER

Title: SYSTEM FOR LOADING DEVICE-SPECIFIC CODE AND METHOD  
THEREOF

App. No.: 09/904,989 Filed: July 13, 2001

Examiner: Diem K. CAO Group Art Unit: 2194

Customer No.: 34456 Confirmation No.: 3444

Atty. Dkt. No.: ATI.0100820 (1376-0100820)

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Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**REMARKS IN SUPPORT OF  
THE PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Dear Sir:

In response to the Final Office Action mailed June 5, 2006 (hereinafter, "the Final Action") and the Advisory Action mailed August 8, 2006, and pursuant to the Notice of Appeal and Pre-Appeal Brief Request for Review submitted herewith, the Applicant requests review of the following issues on appeal.

**Claims 1, 3-7, 10, 11, 13, 14, 18-21, 31, 35 and 36 are allowable**

At page 2 of the Final Action, claims 1, 3-7, 10, 11, 13, 14, 18-21, 31, 35 and 36 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bondy et al. (U.S. Patent No. 5,491,813) in view of Keller et al. (U.S. Patent No. 5,752,032) further in view of Schoening et al. (U.S. Patent No. 6,226,788). Claim 1 recites identifying a particular device-specific driver portion from a plurality of driver portions associated with the device identifier based on a comparison of versions associated with functions of the device-specific driver portion to versions expected through an application program interface (API). As indicated by the Final Action at page 3, these elements are not disclosed or suggested by Bondy or Keller. Applicant respectfully submits that these elements are also not disclosed or suggested by Schoening.

PATENT

The Final Action at page 4 asserts that these elements are disclosed by the “device mapping table” of Schoening. However, the device mapping table (referred to as a Device Mapper in Schoening) does not identify device specific driver portion, as recited in claim 1. Instead, the Device Mapper identifies API functions to be overridden. In particular, Schoening discloses that the Device Mapper is a table associated with a device in a network. *Schoening*, col. 13, lines 59-66. The Device Mapper identifies “Service Module Functions” that are overridden for the associated device. *Id.* In other words, the Service Module Functions are “overridden functions of a service module.” *Id.* at col. 6, lines 64-65. Further, Schoening states that a service module “means a set of classes derived from the FrameWork and FrontEnd packages *that define the API*, data model, database, and abstract functions that implement network device services.” *Id.* at col. 6, lines 60-63 (emphasis added). The FrameWork “means the set of classes, in an object-oriented computer programming language, and services from which the organization and structure of a Service module is derived. In particular, a FrameWork *defines the structure of an API* and internal dispatch mechanisms.” *Id.*, col. 6, lines 42-46 (emphasis added).

For a particular device version, the Schoening system can determine which Device Mapper applies for that device version. *Id.* at col. 17, lines 16-28. The Device Mapper contains “overrides for the specific behavior of the device type that differs from other device type is related in a hierarchy.” *Id.* at col. 15, lines 31-34. Thus, the Device Mapper does not identify a device driver portion specific to particular device. Instead, the Device Mapper identifies functions of an API that are overridden for a particular device to ensure that all devices of the same type in the network perform the same functions.

Accordingly, the Framework of Schoening defines an API, and Service Module Functions refers to overridden functions of the API. Therefore, because the Device Mapper identifies Service Module Functions for a device, the Device Mapper effectively identifies *functions of the API* that will be overridden for the device, rather than identifying a particular *device-specific driver portion* from a plurality of driver portions associated with the device identifier *based on a comparison of versions associated with functions of the device-specific driver portion to versions expected through an application program interface* as recited in claim

**PATENT**

1. Accordingly, Bondy, Keller, and Schoening individually and in combination, fail to disclose or suggest each and every element of claim 1.

Claim 13 recites providing a table linking device identifiers to individual device-specific driver portions of the plurality of device-specific driver portions. These elements are not disclosed by Bondy, Keller, and Schoening. Neither Bondy nor Keller disclose providing a table linking device identifiers to driver portions. Further, the Device Mapper table of Schoening identifies *functions of an API to be overridden*, rather than identifying individual device-specific driver portions of a plurality of device-specific driver portions. Accordingly, Bondy, Keller, and Schoening, individually and in combination, fail to disclose or suggest each and every element of claim 13.

Claim 31 recites a function to manipulate a processor to identify a particular device-specific driver by locating a name associated with the particular device-specific driver portion in a table using the device identifier. Neither Bondy nor Keller disclose identifying a particular device-specific driver by locating a name associated with the particular device-specific driver portion in a table. Further, the Device Mapper table of Schoening identifies *functions of an API to be overridden*, rather than identifying a particular device-specific driver by locating a name associated with the particular device-specific driver portion in a table using the device identifier. Accordingly, Bondy, Keller and Schoening, individually and in combination, necessarily fail to disclose or suggest a third function to manipulate a processor to identify a particular device-specific driver by locating a name associated with the particular device-specific driver portion in a table using the device identifier as recited in claim 31.

**Obviousness Rejection of Claim 16**

At page 6 of the Office Action, claim 16 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Bondy et al. in view of Keller et al. further in view of Shirakabe et al. Claim 16 depends from claim 13. Thus, claim 16, by virtue of its dependency on claim 13, recites providing a table linking device identifiers to individual device-specific driver portions of the plurality of device-specific driver portions. However, the Final Action nowhere discloses where this element is disclosed or suggested by Bondy, Keller, or Shirakabe. For the rejection of independent claim 13 the Final Action relies upon Schoening as disclosing this element.

**PATENT**

However, the rejection of dependent claim 16 is premised only on Bondy, Keller, and Shirakabe, and does not rely upon Schoening for the rejection. Accordingly, Applicants respectfully submit that the Final Action, by its own terms, fails to show that each and every element of claim 16 is disclosed or suggested by Bondy, Keller and Shirakabe.

**Conclusion**

As discussed above, the Office fails to establish that the cited references disclose or suggest each and every element recited by any of the pending claims. Accordingly, reconsideration and withdrawal of these rejections is respectfully requested.

Respectfully submitted,

  
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9/5/06  
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